

# EXHIBIT J

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

RACHEL MILLER; TEXAS DEMOCRATIC  
PARTY; DEMOCRATIC NATIONAL  
COMMITTEE d/b/a DEMOCRATIC  
NATIONAL COMMITTEE; DSCC; and  
DCCC,

Plaintiffs,

v.

RUTH HUGHS, in her official capacity as the  
Texas Secretary of State,

Defendant.

Civil Action No. 1:19-cv-01071-  
LY

**DECLARATION OF RACHEL MILLER**

I, Rachel Miller, according to 28 U.S.C. §1746, testify that:

1. My name is Rachel Miller. I am a legal adult, competent to testify, and declare the following facts based on my own personal knowledge.
2. I am a resident and registered Democratic voter in Tarrant County, Texas, where I registered to vote in 2013. I grew up in Arlington, Texas and first registered as a voter at 18 in 2003. I have consistently voted for Democratic candidates for at least the last six years and intend to continue to do so in 2020 and into the future.
3. I have also recently become active in local and statewide Democratic politics. I am currently a board member of the Tarrant County Democratic Woman's Club, where I serve as fundraising director and previously served as action director. I am also currently the precinct chair for the county party in Precinct 4179. In 2018, I served as the campaign manager for Beth Llewellyn McLaughlin, a candidate who sought election to the Texas House of Representatives to

represent District 97. Ms. McLaughlin ran unopposed in the Democratic primary but lost the general election.

4. Until recently, I was unaware of both the view that there is advantage to being listed first on the ballot, and of the substantial scientific evidence of that phenomenon, known as position bias or primacy effect. While I often wondered why Republican candidates consistently appeared first on the ballot when I voted, I did not understand or appreciate the substantial benefit that the Ballot Order Statute, Texas Election Code § 52.091(b), gives to all candidates of the party whose candidate won the last governor's race in Texas.

5. I believe that the Ballot Order Statute has effectively suppressed my voice and vote in politics because that statute has given a sizable edge to Republican candidates who have won instead of the Democratic candidates I voted for and supported. If the Ballot Order Statute is left in place, it is my belief that the Democratic candidates that I support and vote for, in many cases, will be unable to overcome the advantage the Ballot Order Statute gives to their Republican opponents.

6. But even if they overcome it, the fact remains that the Ballot Order Statute creates an uneven playing field that devalues my vote for no other reason than that I affiliate with and support candidates affiliated with the Democratic Party. Simply put, for a Democrat to win in Texas, the Ballot Order Statute essentially requires that more voters like me, who consistently support Democrats, turn out to vote for them, while Republican candidates and the voters who support them consistently benefit from the boost provided by no other reason than that their candidate is consistently listed first on the ballot.

7. My vote and voice in politics will continue to be suppressed in races all down the ballot simply because Greg Abbott won the most recent Governor's race and my affiliation with the major political party to which Governor Abbott does not belong.

8. The Ballot Order Statute increases my concerns regarding the integrity of Texas elections. Prior to learning about the Ballot Order Statute, I already had concerns regarding the integrity of elections in Texas due principally to numerous state efforts I believe are designed to

suppress voter turnout. Learning about the advantage that the Ballot Order Statute systemically gives all candidates who share the Governor's political party has just added another reason for me to doubt that Texas elections are entirely fair, as I believe they should be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2019.

DocuSigned by:  
*Rachel Miller*  
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Rachel Miller